

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Eric C. Steindorf)	Examiner: Nihir B. Patel
)	
Serial No: 10/743,260)	Art Unit: 3743
)	
Filed: December 22, 2003)	Deposit Acct. No: 04-1403
)	
Confirmation No: 4463)	Customer No: 22827

Title: FACE MASK HAVING BAFFLE LAYER FOR IMPROVED FLUID RESISTANCE

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this paper and all attachments and any fee are being transmitted via the internet to the U.S. Patent and Trademark Office via the Electronic Filing System on September 8, 2009.

Denise R. Ginn

(Typed or printed name of person transmitting paper or fee)

Denise R. Ginn

(Signature of person transmitting paper or fee)

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PETITION FOR REVIVAL OF ABANDONED APPLICATION

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests reinstatement of the above-identified patent application, which became abandoned due to error by the Patent Office.

Applicant received a Decision on Appeal dated November 13, 2008, for which a response or reconsideration request was due on January 13, 2009.

On January 9, 2009, four (4) full days before expiration of the two month period set for a response or request for reconsideration, applicant electronically filed its Request for Continued Examination (RCE) and Preliminary Amendment. This fact is reflected in the Public Pair Image File Wrapper and the Transaction History.

Thereafter, on January 9, 2009, the mail room of applicant's attorney received via regular mail from the Patent Office, a Notice of Abandonment dated January 6, 2009, abandoning the application and noting the reason for abandonment as "The Decision by the Board of Patent Appeals and Interference rendered on 11/13/2008 and because the period for seeking court review of the decision has expired and there are no allowed claims." However, the Notice of Abandonment issued before applicant's time for responding had elapsed. Moreover, applicant's RCE was properly filed within the time allowed.

Applicant respectfully requests that the Patent Office rescind the Notice of Abandonment issued on January 6, 2009, and reinstate the above-identified application.

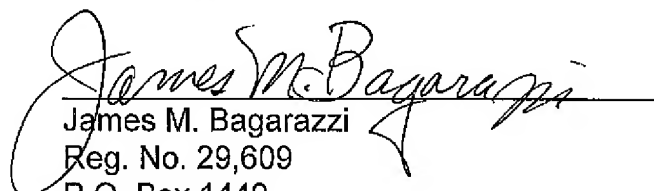
In a telephone conference between the Supervisory Patent Examiner and the undersigned on January 28, 2009, the undersigned was informed that the abandonment posted on the website was in the process of being withdrawn by tech support, but tech support was experiencing a backlog, and the withdrawal should be posted in PAIR in about a month. When the withdrawal of abandonment was not posted in PAIR, in March 2009, applicant responded in writing to the Notice of Abandonment with an explanation of the error and request for reconsideration and withdrawal of the abandonment. On numerous occasions since then, applicant's attorney has called the Supervisory Examiner, but received no relief. Since the withdrawal has not been posted in PAIR, this paper is being filed out of an abundance of caution.

Since abandonment of the subject application resulted from Office error, applicant respectfully submits that no petition fee is required. Applicant believes that no fee or extension of time is required because the Notice of Abandonment was issued through no fault or inaction of the applicant.

Respectfully submitted,

DORITY & MANNING, P.A.

DATED: Sept 8, 2009


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